



~~April 20, 2004 CPC~~
May 26, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0228

Family Time Courthouse, LLC

Bermuda Magisterial District
West line of Rivers Bend Boulevard

REQUEST: Amendment to Conditional Use Planned Development (Case 95SN0109) to permit a child care center. Specifically, an amendment to Section D, Number 4 of the Textual Statement is proposed to delete the prohibition of child care centers in this Neighborhood Office (O-1) Tract.

PROPOSED LAND USE:

A child care center is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed land use complies with the Consolidated Eastern Area Plan which suggests the subject property is appropriate for Neighborhood Mixed Use to include professional and administrative offices, residential use of varying densities and supportive commercial and service uses.
- B. The proposed use is typically permitted within Neighborhood Office (O-1) Districts.

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- C. Previously imposed conditions and Ordinance standards will ensure adequate land use transition will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF/CPC) The following uses shall not be permitted:

- a. Convalescent homes, nursing homes, rest homes.
- b. Group care facilities.
- c. Non-profit civic, social and fraternal lodge.
- d. Propagation of crops, flowers, trees or shrubs for sale.
- e. Public and private forests and wildlife preserves. (P)

(Note: This condition supersedes Section D, Number 4 of the Textual Statement of Case 95SN0109 for the request property only. All other conditions of Case 95SN0109 shall remain applicable.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. An opaque wooden or vinyl fence at least six (6) feet in height shall be constructed along the western property line. Such fence shall be located at least forty (40) feet from the western property line. (P)
- (STAFF/CPC) 2. The required forty (40) foot buffer along the western property line shall be planted in accordance with Perimeter landscaping C (option I). In addition, a single row of Leyland Cypress having an initial height of a minimum of four (4) feet shall be planted eight (8) feet on center within this buffer. (P)

GENERAL INFORMATION

Location:

West line of Rivers Bend Boulevard, south of Hogans Drive. Tax ID 815-653-1888 (Sheet 27).

Existing Zoning:

Neighborhood Office (O-1) with Conditional Use Planned Development

Size:

2.8 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - O-1 w/Conditional Use Planned Development and R-15 w/Conditional Use Planned Development; Office or vacant
South - A; Single family residential or vacant
East - R-15 w/Conditional Use Planned Development; Single family residential
West - R-15 w/Conditional Use Planned Development; Single family residential

UTILITIES

Public Water System:

A twenty (20) inch water line extends along the west side of Rivers Bend Boulevard, adjacent to the request site. Use of the public water system is required as a condition of zoning. (Case 95SN0109)

Public Wastewater System:

A twelve (12) inch wastewater trunk line extends from Rivers Bend Boulevard across this site to serve Rivers Bend Subdivision, Section 9. Use of the public wastewater system is required as a condition of zoning (Case 95SN0109). Depending upon the future location of the child care center on this site, relocation of the existing trunk line may be necessary.

ENVIRONMENTAL

Drainage and Erosion:

The property drains in several directions with the majority draining west through Rivers Bend Subdivision via storm sewers and natural watercourses and eventually into the James River. There are no existing or anticipated on- or off-site drainage or erosion problems.

PUBLIC FACILITIES

Fire Service:

The Rivers Bend Fire Station, Company Number 18, currently provides fire protection and emergency medical service. This request will have minimal impact on fire and EMS service.

When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Transportation:

This request will have no impact on the anticipated traffic generated by development of Rivers Bend.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Land Use Plan which designates the request property as a Neighborhood Mixed Use area where professional and administrative offices, residential use of varying densities and supportive commercial and service uses are appropriate.

Area Development Trends:

Properties to the north are zoned Neighborhood Office (O-1) with Conditional Use Planned Development and Residential (R-15) with Conditional Use Planned Development and are occupied by office use or are vacant. Properties to the south are zoned Agricultural (A) and are occupied by single family residential use or are vacant. Properties to the east and west are zoned Residential (R-15) with Conditional Use Planned Development and are occupied by residences in the Rivers Bend Subdivision or are vacant.

Zoning History:

On September 28, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning with a Conditional Use Planned Development (Case 87S039) to permit mixed use development on 972.5 acres, which included the request property.

On August 23, 1989, the Board of Supervisors approved rezoning with Conditional Use Planned Development, plus amendment to a previously granted Conditional Use Planned Development (Case 87S039) relative to use of public water and sewer on the request property and other properties now included in the Rivers Bend mixed use project, but not included in the current request. (Case 89SN0264)

On October 26, 1994, the Board of Supervisors approved rezoning with Conditional Use Planned Development (Case 95SN0109) to permit expansion of the Rivers Bend mixed use project. With the approval of this case, the subject property and adjacent properties to the north were rezoned from Residential (R-15) to Neighborhood Office (O-1). Conditions of approval addressed specific permitted and restricted uses on the request property which was designated as part of the Neighborhood Office (O-1) Tract in the Textual Statement.

Permitted uses included uses permitted within the Neighborhood Office (O-1) District, rescue squads and fire stations, laboratories and messenger or telegraph services. Prohibited uses included convalescent or nursing homes, group care facilities, non-profit civic, social and fraternal lodges, nursery school, day care centers and kindergartens, propagation of crops, flowers, trees and shrubs for sale and public and private forests and wildlife preserves.

Current Proposal:

With the approval of this request, Section D, Number 4 of the Textual Statement of Case 95SN0109 would be amended to delete the prohibition of day care centers within a portion of the Neighborhood Office (O-1) Tract (Condition). Child care centers are typically permitted within Neighborhood Office (O-1) Districts.

Use:

With the approval of this request, a child care center would be permitted in addition to those uses permitted by the previous case (Condition). Child care centers are typically permitted within Neighborhood Office (O-1) Districts.

Site Design:

The subject property is located in a Neighborhood Office (O-1) District and is therefore subject to development standards of the Zoning Ordinance for Emerging Growth District Areas. These standards address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, screening of dumpsters and loading areas and lighting. In addition, except as amended, conditions of Case 95SN0109 remain in effect.

The applicant submitted proffered conditions relative to fencing and additional landscaping to be provided along the western property boundary to address adjacent property owners' concerns regarding visibility into the site. (Proffered Conditions 1 and 2)

CONCLUSIONS

The proposed land use complies with the Consolidated Eastern Area Plan which suggests the subject property is appropriate for Neighborhood Mixed Use to include professional and administrative offices, residential use of varying densities and supportive commercial and service uses. A child care center is typically permitted within Neighborhood Office (O-1) Districts. Previously imposed conditions and Ordinance standards will ensure adequate land use transition will be maintained.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (4/8/04):

Proffered conditions were submitted.

Planning Commission Meeting (4/20/04):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended approval subject to the Condition and acceptance of the proffered conditions on page 2.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, May 26, 2004, beginning at 7:00 p.m., will take under consideration this request.

